

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LAUREN W., by and through her parents,  
JAMES W. and JEAN W.,

Plaintiffs

v.

BOARD OF EDUCATION OF THE RADNOR  
TOWNSHIP SCHOOL DISTRICT,

Defendant

Civil Action

No 02 – cv – 4775

**PLAINTIFFS' PETITION FOR ATTORNEY'S FEES AND EXPENSES**

Pursuant to the fee-shifting provisions of the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1415, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794a(b), and 42 U.S.C. § 1988, plaintiffs Jean and James W. ("Parents"), individually and on behalf of their daughter Lauren W., hereby petition for an award of attorney fees and expenses. In support of this Petition, the Parents aver as follows:

1. On September 12, 2002 this Court entered a declaratory judgment that Hill Top Preparatory School ("Hill Top") is Lauren's pendent placement for purposes of IDEA. As explained more fully in the accompanying Memorandum of Law (incorporated fully herein by reference), the entry of that declaratory judgment constituted relief on the merits rendering plaintiffs "prevailing parties" as defined by IDEA, the Rehabilitation Act, and Section 1988.

2. As prevailing parties under IDEA, the Rehabilitation Act, and Section 1988 the Parents are entitled to an award of the attorney's fees and costs incurred in the litigation. To date, those fees and costs total \$26,744.01.

3. The attorney's fees and expenses incurred in this matter were necessary and reasonable, as demonstrated the Declaration of Catherine Merino Reisman attached hereto as Ex. A, and billing records attached hereto as Exs. D, E, F and G.

4. The hourly rates charged by Montgomery, McCracken, Walker & Rhoads, LLP for work in this matter are well within the range of rates customarily charged within the Eastern District of Pennsylvania for work of this type and civil litigation generally. See Ex. A, Declaration of Catherine Merino Reisman; Ex. B, Declaration of Hannah Schwarzschild.

WHEREFORE, based upon the exhibits attached hereto and the accompanying Memorandum of Law (incorporated fully herein by reference), plaintiffs request that the Court award attorney's fees and expenses in the amount of \$26,744.01.

Respectfully submitted,

DATED: September 26, 2002

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